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DOCKET
06-AFC-6
DATE FEB 01 2008
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February 1, 2008

Susan Gefter
Hearing Officer
Eastshore AFC Committee
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

RE: Eastshore Energy Center (06-AFC-06)
Confirmation of Distances as Requested by Hearing Officer Gefter

As you directed at the closing of the January 14, 2008 Evidentiary Hearings for the Eastshore Energy Center, we are providing the attached table and figure intended to establish consistent values. Unfortunately, Applicant's effort to coordinate with the parties to create a list of stipulated distances has not been possible. We appreciate and want to acknowledge the efforts of the other parties on resolving this issue. We are willing to continue working with all parties to create this list, but I expect that in the areas of aviation, reaching consensus will not be possible. As aviation issues are the subject of known disagreement among the parties, this should be expected. For all other distances, I believe that we will be able to reach consensus and I believe that the present disagreement among the parties is related to the method of measurement. To provide a history of this exercise, please accept the following explanation:

As you directed, Applicant coordinated with the City of Hayward, Bob Bauman, regarding the compilation of this data. Mr. Bauman requested that all measurements be calculated from the center-to-center of each location and we agreed to calculate the measurements in this manner. As a result, all distances on the attached table and map are measured from center-to-center. These measurements have been meticulously checked by my technical and GIS staff to ensure accuracy. We would not object to using distances measured boundary-to-boundary, except for the adjacent industrial and commercial uses which should be calculated from intensive use area-to-intensive use area.

We have reviewed all of the distance-related materials e-mailed to date from all parties. In general we have been able to re-create all of the measurements made by the various parties and as noted above, with minor exception, we would not object to using the distances provided by other parties, as long as they are correct. Also, please note that there are some typographical errors on the CEC staff's tables and figures which we would be happy to work with staff to correct and then accept.

At this time, we do not believe that we can reach consensus for the aviation-related measurements, with the exception of the horizontal distances from Eastshore and RCEC to the Hayward Executive Airport and the Oakland International Airport, as these items involve the interpretation of plans and policies.

Please feel free to contact me at (805) 568-0650 should you have any questions.

Sincerely,

Jennifer L. Scholl

Jennifer Scholl
Senior Project Manager/Regulatory Specialist

EASTSHORE ENERGY CENTER – DISTANCES IN QUESTION

Prepared on behalf of Eastshore Energy, LLC

Dated: February 1, 2008

#	**Distances** (as requested by Hearing Officer Gefter)	**Direction/ Response** (from initial measurement point)	**Feet** (rounded to the nearest foot)	**Statute Miles** (rounded to the nearest 10th mile)	**Method of Measurement Details/Response** (all distances measured from the center of the Eastshore site to the center of listed locations)
			Hayward Executive Airport (HEA)		
1	Distance from Eastshore to the HEA Airport Reference Point (ARP)	North	7788	1.5	
2	Distance from RCEC to HEA ARP	Northeast	9202	1.7	
3	Distance from Eastshore to HEA end of Runway 28L	North	6590	1.3	
4	Distance from Eastshore to HEA airspace	N/A	N/A	N/A	The Eastshore site lies completely within (underneath) the HEA Class D airspace.
5	Distance from Eastshore to HEA Departure and Arrival (takeoff and landing) flight patterns	N/A	N/A	N/A	Traffic patterns are not rigidly defined. They can vary in lateral distance from runways, but typically a light aircraft would remain within ½ to ¾ miles for takeoffs and landings. Aircraft arriving into the traffic patterns would not typically descend to traffic pattern altitudes until within approximately 1 mile from the intended point of landing.
6	California Airport Land Use Planning Safety Compatibility Zones for HEA as depicted on FSA, Figure 5	North	N/A	N/A	Closest point would be Sector 3 which is equivalent to the Inner Turning Zone, as depicted on FSA, Figure 5. The Eastshore site is located approximately 590 feet south of the Traffic Pattern Zone boundary (6590 feet from the end of Runway 28L), as depicted on FSA, Figure 5. However the area outside the six safety zone sectors is not considered to be a safety compatibility area pursuant to the California Airport Land Use Zones.
7	Heights of existing industrial stacks in the vicinity of the HEA	N/A	N/A	N/A	Rohm & Haas stack: 180 feet KFAX radio broadcast antennae: 228 feet above ground level (agl)
8	Current zoning height limitations within the Industrial Corridor/Industrial zone in the vicinity of the HEA	None	N/A	N/A	There are no height restrictions within the Industrial Zone District.

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9	Number of Conditional Use Permits (CUPs) granted to allow the height variances within the Industrial Corridor/Industrial zone in the vicinity of the HEA	None	N/A	N/A	There are no height restrictions within the Industrial Zone District, therefore no CUPs or variances required for tall structures.
10	Height, number, and distance of RCEC exhaust stacks from HEA	Northeast	9569	1.8	There are two 145-foot tall exhaust stacks associated with the RCEC project.
Oakland International Airport (OAK)					
11	Distance from Eastshore to OAK Airport Reference point (ARP)	Northwest	41920	7.9	
12	Distance from Eastshore to OAK airspace	Northwest	9639	1.8	As shown on FSA Figure 4A, the OAK Class C airspace boundary limit is shown where the OAK Runway 29 arrival path (shown in yellow) intersects with the OAK Class C inner surface (shown in black and white). In this table, this distance is measured along a constant flight path altitude.
13	Distance of Eastshore to OAK Departure and Arrival flight patterns	Northwest	N/A	N/A	Aircraft arrivals to OAK Runway 29 transit at approximately 1900 feet above the Eastshore site (within OAK Class C airspace). There are no altitude requirements for departures. Aircraft departing from Runway 11 (on a southeasterly heading) climb rapidly after take-off.
Chabot College					
15	Distance from Eastshore to center courtyard/quad of Chabot College	Northeast	4761	0.9	Chabot College is 94-acres as noted in the Chabot College Educational Master Plan, 2005-2015, dated January 2005. Chabot College is bordered by Hesperian Boulevard and Depot Road.
16	Distance from RCEC to center courtyard/quad of Chabot College	Northeast	8577	1.6	
Alameda County Redevelopment Agency Planning Areas					
17	Distance from Eastshore to Alameda County's Redevelopment Agency's planning area	West	1468	0.3	There are no current redevelopment projects in this area; however, the nearest redevelopment area is the Mt. Eden Redevelopment Sub Area.
Nearest Residences – based upon FSA, Exhibit 200, Land Use section, p. 4.5-25 re "Sensitive Receptors"					
18	2765 Depot Road	Northeast	1592	0.3	
19	Waterford Apartments	Southeast	2738	0.5	

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Schools – based upon FSA, Exhibit 200, Land Use section, p. 4.5-25 re "Sensitive Receptors"					
20	Life Chiropractic College West	East	919	0.2	
21	ITT Technical Institute	Southwest	4769	0.9	
22	Eden Gardens Elementary School	East	4015	0.8	
23	Anthony W. Ochoa Middle School	Northeast	3537	0.7	
24	Lea's Montessori	East	5624	1.1	
Hospitals – based upon FSA, Exhibit 200, Land Use section, p. 4.5-25 re "Sensitive Receptors"					
25	Kaiser Hospital	Southeast	7977	1.5	
26	Kaiser Medical Center	Southeast	7559	1.4	
27	St. Rose Hospital	Southeast	9636	1.8	
28	Eden West Convalescent Hospital	Northeast	3218	0.6	
Commercial Entities					
29	Fremont Bank (processing center)	South	433	0.1	
30	Thermionics Metal Processing Incorporated (chemical and mechanical cleaning)	North, Northwest	292 313	0.1 0.1	Building north of Eastshore site Building northwest of Eastshore site
31	Car Parts Stripping Operation	North	340	0.1	
32	US Rental	South	507	0.1	
33	Olympian Commercial Refueling Station	Northwest	468	0.1	
34	METALS USA (conduit pipe fitter)	West	553	0.01	
35	Public Storage Units	Northeast	916	0.2	
36	State Pipe & Supply Incorporated	North	640	0.1	
Industrial Entities					
37	Rohm & Haas	Southwest	3345	0.6	
38	Berkeley Farms	Southeast	1475	0.3	
39	KFAX Tower	Northwest	7909	1.5	
40	City of Hayward Wastewater Treatment Facility	Northwest	7909	1.5	
41	Contractors Chemical Incorporated (chemical, adhesive, and sealant manufacturing)	North	295	0.1	
42	Inland Metals (sheet metal	Northwest	947	0.2	

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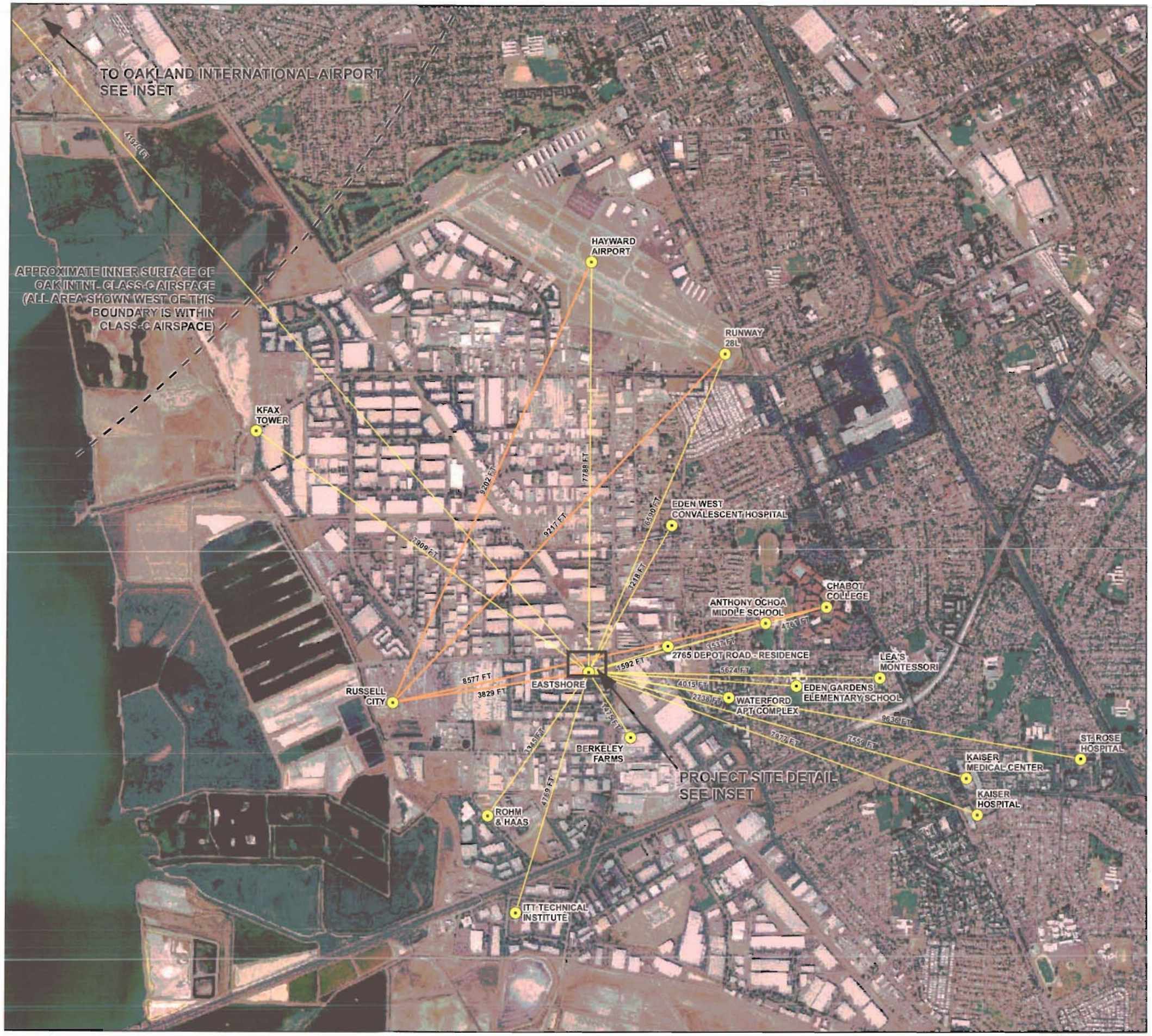
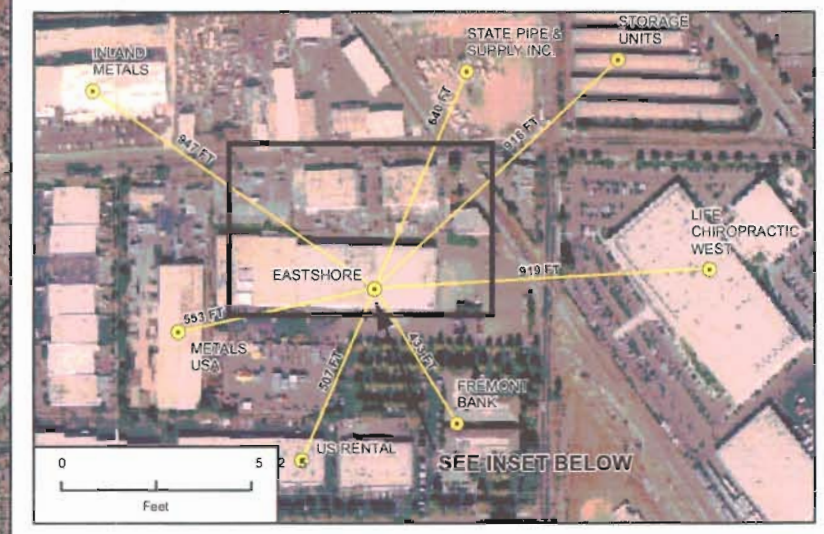
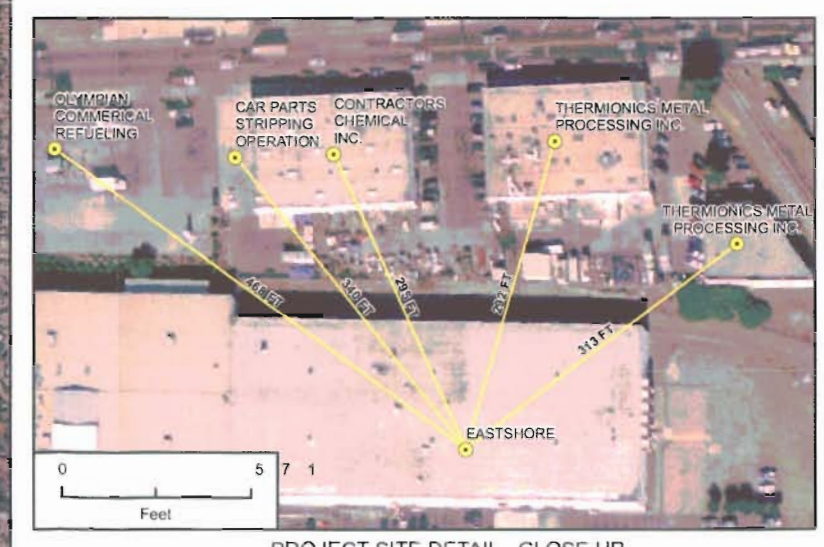
	fabrication)				
43	RCEC	Northeast	3829	0.7	



OAKLAND INTERNATIONAL AIRPORT



PROJECT SITE DETAIL



PROJECT SITE DETAIL - CLOSE UP

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Feet

CONFIRMATION OF DISTANCES IN RESPONSE TO HEARING OFFICER GEFTER REQUEST

EASTSHORE ENERGY CENTER
HAYWARD, CALIFORNIA
ALAMEDA COUNTY

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE EASTSHORE ENERGY CENTER BY EASTSHORE ENERGY, LLC	**Docket No. 06-AFC-6** **PROOF OF SERVICE** (Revised 1/18/08)

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DECLARATION OF SERVICE

I, John L. Carrier, declare that on February 4, 2008, I deposited copies of the attached Confirmation of Distances as Requested by Hearing Officer Gefter, in the United States mail at Sacramento, CA, with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

John L. Carrier